

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

JOSHUA JACKSON RIDEOUT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:09CV00082LMB
	)	
ERIC HOLDER, US ATTORNEY GENERAL,	)	
et al.,	)	
	)	
Defendants.	)	

**MOTION TO DISMISS**

COMES NOW defendant Lynn Rowe, by and through his attorney, and respectfully requests that the Court, pursuant to FRCP 12(b)(6) , dismiss plaintiff's complaint in its entirety for failure to state a claim as to this defendant. Defendant Rowe incorporates the motion and suggestions in support of defendant Michael W. Reap (*documents 30 and 31*) as though set out fully herein and also offers the following additional suggestions in support of his motion to dismiss.

**Additional Suggestions in Support of Defendant Rowe's Motion to Dismiss**

Defendant Rowe has reviewed the motion to dismiss and suggestions in support filed by defendant Reap (*documents 30 and 31*) and in order to avoid presenting duplicative suggestions, adopts defendant Reap's suggestions in toto. While these suggestions address the issues presented by plaintiff's complaint, defendant Rowe offers the following additional suggestions.

Plaintiff's complaint alleges that the SORNA violates various provisions of the Missouri Constitution. The Missouri Supreme Court has already determined that the SORNA and the Missouri Sex Offender Law do not violate any state constitutional provision. See, Doe v. Keathley, 2009 WL 1674925 (Mo. Banc June 16, 2009). In Keathley, the Missouri Supreme

Court unanimously held that SORNA applied to all inmates irrespective of any potential state law issues, including state constitutional issues. (“The independent registration requirement under SORNA operates irrespective of any allegedly retrospective state law that has been enacted and may be subject to [Missouri Constitutional requirements]”). As a result, both the U.S. and Missouri Supreme Courts have specifically rejected the substance of plaintiff’s arguments.

Finally, as a procedural matter, defendant Rowe notes that nowhere in plaintiff’s complaint is there any allegation that even remotely alleges that defendant Rowe has any connection to this purported lawsuit. As a result, plaintiff’s complaint fails to even state a colorable cause of action as to this defendant.

WHEREFORE, Defendant Rowe respectfully requests that the court grant defendant Rowe’s motion to dismiss and for such other and further relief as the court deems just and proper.

Respectfully submitted,

By: s/Daniel R. Wichmer  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 19<sup>th</sup> day of August, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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A true and correct copy of the foregoing was provided by depositing same, postage pre-paid with the United States Postal Service to:

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*Plaintiff*

s/ Daniel R. Wichmer

Daniel R. Wichmer